

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

FILED  
2021 NOV -6 AM 11:30  
CATHY S. CATSON, CLERK  
KANAWHA COUNTY CIRCUIT COURT

ANITA DANIELLE BILLO,

Plaintiff,

v.

Civil Action No. 21-C- 897  
Judge AIKERS

TARGET CORPORATION  
a Foreign Corporation,

Defendant.

COMPLAINT

COMES NOW, the Plaintiff, Anita Danielle Billo, by and through her counsel, Charles M. Johnstone, II, Esq. and the law firm of Johnstone & Gabhart, LLP, and for her Complaint against the Defendant, Target Corporation, avers and states as follows:

1. The Plaintiff, Anita Danielle Billo ("Plaintiff"), is and was at all times relevant herein domiciled in Kanawha County, West Virginia and maintains a mailing address of P.O. Box 392, Cabin Creek, West Virginia 25305.

2. Upon information and belief, the Defendant, Target Corporation ("Defendant") is and was at all times relevant hereto a foreign corporation with a principal office address of 1000 Nicollett Mall, Minneapolis, Minnesota, 55403 and its West Virginia notice of process address is 5098 Washington Street West, Suite 407, Charleston, West Virginia 25313-1561.

3. Upon information and belief, Defendant operates a Target store located at 30 RHL Boulevard, South Charleston, West Virginia 25309.

4. This Court has jurisdiction over the parties and subject matter of this action, because, among other things, the acts and omissions that give rise to this action occurred in

Kanawha County, West Virginia and damages alleged in this Complaint were sustained in Kanawha County, West Virginia. Venue is proper in this Court.

5. On or about October 11, 2019, Plaintiff and her husband visited Defendant's Target store for the purpose of shopping for household retail goods. Upon their arrival, neither Plaintiff nor her husband observed any liquids on the floor, any open and obvious hazard, or observed signs warning of a hazardous condition on the floor.

6. Shortly after entering the premises, Plaintiff slipped on a clear substance on the floor, causing her left foot to slide forward, resulting in her violently slamming her right knee into the floor.

7. After Plaintiff's husband assisted her off the floor, a Target employee, who had witnessed the incident and observed the clear liquid on the floor, apologized and admitted that this spill should have been cleaned up sooner and that warning signs should have been placed around the area.

8. Defendant failed to properly warn its patrons, including Plaintiff, of the dangerous condition. The unsafe condition on the floor was not open and obvious or apparent to patrons, including Plaintiff.

9. At all times relevant herein, Defendant had a duty to maintain its store in a reasonably safe condition for its patrons, including Plaintiff. Defendant breached its duty owed to Plaintiff by, among other things, failing to properly maintain the premises and the floors in a reasonably safe condition and failing to properly warn the Plaintiff of the unsafe and dangerous condition.

10. Defendant was negligent, careless and reckless in the maintenance of its store premises and floors.

11. As a direct, proximate and foreseeable result of Defendant's negligence, recklessness and breach of duty to Plaintiff, she sustained serious and permanent personal injuries, including a torn meniscus, and has and will continue to suffer damages including, but not limited to, the following:

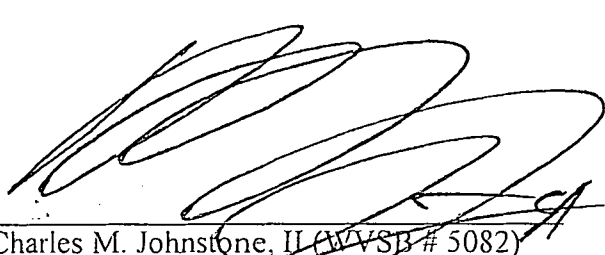
- a) Medical and other out-of-pocket expenses;
- b) Lost wages;
- c) Physical pain and suffering;
- d) Mental anguish;
- e) Emotional distress;
- f) Annoyance and inconvenience; and
- g) Loss of capacity to enjoy life.

WHEREFORE, the Plaintiff, Anita Danielle Billo, demands judgment against the Defendant, Target Corporation, in an amount to fully and fairly compensate her for the injuries and damages sustained in the incident described above as well as her costs associated with the prosecution of this civil action, and all other relief this Honorable Court deems just and appropriate in this matter.

PLAINTIFF DEMANDS A TRIAL BY JURY UPON ALL ISSUES SO TRIABLE.

Respectfully submitted,

ANITA DANIELLE BILLO  
By Counsel:



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